IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 10337 of 2007(E)

PETITIONER:

N.V.JOSEPH, AGED 48 YEARS,
S/O.LATE ADV.N.K.VARKEY, NENMELIPARAMBIL HOUSE,
MALAYATTOOR P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.P.V.LONACHAN

RESPONDENTS:

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1. THE DISTRICT REGISTRAR (GENERAL),
OFFICE OF THE DISTRICT REGISTRAR,
ALAPPUZHA.

2. THE SECRETARY, VALIYAKARI PADASEKHARA
KARSHAKA SANGOM, REGN. NO.A-261/77,
EZHUPUNNA P.O., CHERTHALA, ALAPPUZHA DISTRICT.

3. LONAPPAN.K.C., S/O.LATE CHACKO,
EZHUPUNNA, ERAMALLOOR P.O., PIN-688 537.

BY ADV. SRI.TONY GEORGE KANNANTHANAM
SRI.M.P.RAMNATH
GOVERNMENT PLEADER SRI. I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.10337 OF 2007

DATED THIS THE 3rd DAY OF APRIL, 2007

JUDGMENT

The petitioner, who claims to be a member of the 2nd respondent Sanghom has approached this court seeking the following reliefs.

> "a) to issue a writ of mandamus, direction or order to respondents 1 and 2 furnish a copy of the bye-law and the membership register of the 2nd respondent Sanghom;
>
> b) to issue a writ of certiorari or order or direction and acall for the records pertaining to the day-to-day functioning of the 2nd respondent Sanghom from the date of inception of the 2nd respondent sanghom;
>
> c) to pass an order or such other direction thereby appointing an Advocate Receiver to conduct public auction with respect to the right to shrimp cultivation in the Padasekharam as well as to manage the day-to-day activities of the 2nd respondent sanghom for the financial year 2007-08 onwards till the matter is finally decided by this Hon'ble Court;
>
> (d) to pass appropriate writ or order or direction thereby quashing any auction that if already been conducted for the financial year 2007-08 and conduct public auction and to issue such other writ direction or order as it is deemed fit, just, proper and necessary by this Hon'ble Court in th4e circumstances of the case.

2. A reading of the above reliefs would show that the ascertainment of facts on the basis of evidence would be absolutely

essential, for considering granting of reliefs to the petitioner. That can be done only by way of a suit. Therefore without prejudice to the right of the petitioner to seek reliefs in a suit filed for the purpose, this writ petition is dismissed. However, the 1st respondent shall consider and pass appropriate orders on Ext.P3 as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment.

S. SIRI JAGAN, JUDGE

Acd